

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

YANCEY D. TAYLOR)	
)	
)	
Plaintiff(s),)	
v.)	Civil Action No. <u>2:18-cv-01148-MPK</u>
FRONTIER AIRLINES, INC.)	
)	
)	
Defendant(s).)	

AMENDED STIPULATION SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and the Court's ADR Policies and Procedures.

I. PROCESS

Select one of the following processes:

- ☐ Mediation
- ☒ Early Neutral Evaluation (ENE)
- ☐ Court sponsored Binding¹ Arbitration
- ☐ Court sponsored Non-binding Arbitration
- ☐ Other (please identify process and provider) _____

If you are utilizing a private ADR process, such as the American Arbitration Association, be advised that the case is still governed by the Court's ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.

II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for Court sponsored arbitration. For that process, costs are paid by the Court in accordance with 28 USC §658.):

50 % by Plaintiff(s)
50 % by Defendant(s)

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

¹For binding arbitration, please complete form "Stipulation to Binding Arbitration" located on the Court's website at www.pawd.uscourts.gov

III. NEUTRAL

The parties hereby designate by agreement the following individual to serve as a Neutral in the above-styled action:

Name of Neutral: Gary P. Caruso (Ret. Judge of the Court of Common Pleas)
 Address of Neutral: 145 Woodlow Drive, Bella Vernon, Pennsylvania 15012
 Telephone & FAX Numbers: Phone: (724) 244-7722; Fax: (412) 202-4118
 Email address of Neutral: gary_caruso@icloud.com
Date of ADR Session: per the Court's 10/5/18 order, the Court
will discuss timing at the initial CMC

The parties represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR session within the time prescribed by the Court's Policies and Procedures and that the neutral does not have a conflict.

IV. PARTICIPANTS

Name and title of the individual(s) who will be attending the mediation or early neutral evaluation session, in addition to counsel, in accordance with Section 2.7 (Attendance at Session) of the Court's ADR Policies and Procedures:

For Plaintiff(s) <u>Kevin S. Burger</u>	<u>Yancey D. Taylor</u>
	Name and title
For Defendant(s) <u>See additional sheet</u>	<u>See additional sheet</u>
	Name and title
For 3rd party Deft(s) _____	_____
	Name and title

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority, as specified in sub-section (A)(1-3) of the above section of the Court's ADR Policies and Procedures.

V. ACKNOWLEDGMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Dated: 10/4/18 /s/ Kevin S. Burger
 Attorney for Plaintiff(s)

Dated: 10/04/2018 /s/ James McNally
 Attorney for Defendant(s)

Rev. 2/2014

ADDITIONAL SHEET

IV. PARTICIPANTS

Name and title of the individual(s) who will be attending the mediation or early neutral evaluation session, in addition to counsel, in accordance with Section 2.7 (Attendance at Session) of the Court's ADR Policies and Procedures:

For Plaintiff(s) Kevin S. Burger

Yancey D. Taylor
Name and title

For Defendant(s) James McNally,
Tara Shelke,
Brian T. Maye

Counsel for Frontier represents that a
representative with full settlement authority
will attend the Early Neutral Evaluation

For 3rd party Deft(s) _____

Name and title

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority, **as specified in sub-section (A)(1-3) of the above section of the Court's ADR Policies and Procedures.**